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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. ID 2005 64172

JAMES LEROY BLACK
213 California Court
Mission Viejo, CA 92692

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Physical Therapist Assistant License No.
AT 3319

Respondent.

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Chris Leong, Deputy Attorney General.

2. Respondent James Leroy Black (Respondent) is represented in this

1 proceeding by attorney Fredrick M. Ray, whose address is 770 The City Drive, Suite 8100
2 Orange, CA 92868-6927.

3 3. On or about January 12, 1994, the Physical Therapy Board issued Physical
4 Therapist Assistant License No. AT 3319 to James Leroy Black (Respondent). The license was
5 in full force and effect at all times relevant to the charges brought in Accusation No. ID 2005
6 64172 and will expire on January 31, 2006, unless renewed.

7 **JURISDICTION**

8 4. Accusation No. ID 2005 64172 was filed before the Board and is
9 currently pending against Respondent. The Accusation and all other statutorily required
10 documents were properly served on Respondent on June 29, 2005. Respondent timely filed his
11 Notice of Defense contesting the Accusation. A copy of Accusation No. ID 2005 64172 is
12 attached as Exhibit A and incorporated herein by reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, fully discussed with counsel, and
15 understands the charges and allegations in Accusation No. ID 2005 64172 . Respondent has also
16 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
17 Settlement and Disciplinary Order.

18 6. Respondent is fully aware of his legal rights in this matter, including the
19 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
20 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
21 the right to present evidence and to testify on his own behalf; the right to the issuance of
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to
23 reconsideration and court review of an adverse decision; and all other rights accorded by the
24 California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

27 **CULPABILITY**

28 8. Respondent admits the truth of each and every charge and allegation in

1 Accusation No. ID 2005 64172 .

2 9. Respondent agrees that his Physical Therapist Assistant License is subject
3 to discipline and he agrees to be bound by the Board 's imposition of discipline as set forth in the
4 Disciplinary Order below.

5 **CIRCUMSTANCES IN MITIGATION**

6 10. Respondent James Leroy Black has never been the subject of any
7 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Board. Respondent
10 understands and agrees that counsel for Complainant and the staff of the Board may
11 communicate directly with the Board regarding this stipulation and settlement, without notice to
12 or participation by Respondent or his counsel. By signing the stipulation, Respondent
13 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
14 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
15 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force
16 or effect, except for this paragraph, it shall be inadmissible in any legal action between the
17 parties, and the Board shall not be disqualified from further action by having considered this
18 matter.

19 12. The parties understand and agree that facsimile copies of this Stipulated
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

22 13. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Physical Therapy Board may, without further notice or formal proceeding, issue
24 and enter the following Disciplinary Order:

25 **DISCIPLINARY ORDER**

26 IT IS HEREBY ORDERED that James Leroy Black, holder of Physical Therapist
27 Assistant License No. AT 3319, shall be publicly reprovved by the Physical Therapy Board of
28 California for violating Business and Professions Code section 2660, subdivision (d), and

1 California Code of Regulations, title 16, section 2660, subdivision (d), and California Code of
2 Regulations, title 16, section 1399.20, as set forth in Accusation No. ID 2005 64172 (a copy of
3 the public reproof is attached hereto as Exhibit B and hereby incorporated by reference as if
4 fully set forth).

5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and
7 have fully discussed it with my attorney, if I so choose. I understand the stipulation and the
8 effect it will have on my license. I enter into this Stipulated Settlement and Disciplinary Order
9 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
10 Board.

11 DATED: August 19, 2005.

13 Original Signed By:
14 JAMES LEROY BLACK
Respondent

15 I have read and fully discussed with Respondent the terms and conditions and
16 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
17 form and content.

18 DATED: August 19, 2005.

20 Original Signed By:
21 FREDRICK M. RAY
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California, Department of Consumer Affairs of the State of California.

DATED: August 23, 2005.

BILL LOCKYER, Attorney General
of the State of California

Original Signed By:
CHRIS LEONG
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2005600037
Black, J. Stipulated Decision.wpd

Exhibit A
Accusation No.

**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JAMES LEROY BLACK
213 California Court
Mission Viejo, CA 92692

Physical Therapy License No. AT 3319

Respondent.

Case No. ID 2005 64172

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective on November 7, 2005.

It is so ORDERED October 7, 2005.

Original Signed By: _____
For The Physical Therapy Board
State of California
Donald A. Chu, PT, President

Exhibit B
Public Reproval
Public Reproval

Respondent's California Physical Therapist Assistant License No. AT 3319, is publicly reprovved under Business and Professions Code section 495 for violating Business and Professions Code Sections 2660, subdivision (d) and 2661, and California Code of Regulations, Title 16, section 1399.20, subdivision (a), in that in 2005, he was convicted of a crime substantially related to the qualifications, functions or duties of a physical therapist assistant, driving with .08% or higher blood alcohol level. Disciplinary considerations include that in 1993, a Statement of Issues was filed in Case No. A-613. This case was based on respondent's failure to reveal a prior conviction on his application. In 1985, respondent was found guilty of attempted burglary. Probation was terminated in Case No. A-613 in 1997.